IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION NO : 22450 of 2004

Between:

Jonnalagadda Surya Rao, S/o Satyanarayana, Agriculturist,
R/o Vedullakunta village, Gopalapuram Mandal, West Godavari District.

..... PETITIONER

AND

1 The Assistant Engineer (AP Transco) Division, Devarapalle, Devarapalle Mandal, West Godavari District.
2 The Superintendent Engineer (AP Transco), Eluru, West Godavari District.
3 The Divisional Engineer (AP Transco), Nidadhavolu, West Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "Writ of Mandamus" declaring the action of the 1st respondent in stopping the electricity supply service No. 1504, dt. 10-1-1997 to the petitioner situated at Devarapalle Village, Devarapalle Mandal, West Godavari district is being illegal, arbitrary, unreasonable, discriminatory and contrary to the policy of the Government and consequently to direct the respondents supply the electricity to the petitioner's lands in Sy.No. 191 an extent of Ac. 8.78 cents situated at Devarapalle Village, Devarapalle Mandal, West Godavari District.

Counsel for the Petitioner : MR.CH.SATISH KUMAR

Counsel for the Respondents: SMT. M.VINOBHA DEVI

The Court, at the stage of admission, made the following :

ORDER:

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Petitioner is an agriculturist. He was extended electricity supply to run a motor of 20 H.P. in a bore well, to irrigate the land in Sy.No.191 of Devarapalle Village and Mandal, West Godavari District. He asserts that the power supply was disconnected without any notice and on the alleged ground of non-payment of arrears. According to the petitioner, he is not under obligation to pay any consumption charges, in view of the declared policy of the Government to provide free electricity to the farmers.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

On instructions, learned Standing Counsel submits that the petitioner fell in arrears of Rs.73,000/- even by the year 2003 and that the power supply was disconnected.

The full scope of the scheme evolved by the Government for providing free supply to the farmers is not before this Court. Unless the petitioner is able to refer to any specific provision, this Court is not convinced to accept his contention that he does not have to pay the arrears of consumption charges. Further, a connection of such a magnitude cannot be said to be a facility, to be availed by an ordinary farmer.

Hence, the writ petition is disposed of, directing that the electricity supply to the petitioner shall be restored within three days from the date of payment of the arrears of electricity charges. The power supply shall be continued, subject to his payment of the regular consumption charges. There shall be no order as to costs.

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L.NARASIMHA REDDY, J

Dated : 09th December, 2004

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To

1 The Assistant Engineer (AP Transco) Division, Devarapalle, Devarapalle Mandal, West Godavari District.
2 The Superintendent Engineer (AP Transco), Eluru, West Godavari District.
3 The Divisional Engineer (AP Transco), Nidadhavolu, West Godavari District.

4 Two C.D. copies.